



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

|   |               |                      |                     |                  |
|---|---------------|----------------------|---------------------|------------------|
| APPLICATION NO.   | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/564,959  | 01/18/2006    | Prakash Patel        | 056258-5125         | 4059             |
| 9629  | 7590          | 10/16/2008           | EXAMINER            |                  |
| MORGAN LEWIS & BOCKIUS LLP<br>1111 PENNSYLVANIA AVENUE NW<br>WASHINGTON, DC 20004 |               |                      | WARD, PAUL, V       |                  |
| ART UNIT  | PAPER NUMBER  |                      |                     |                  |
|   | 1624          |                      |                     |                  |
| MAIL DATE   | DELIVERY MODE |                      |                     |                  |
| 10/16/2008  | PAPER         |                      |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |
|------------------------------|--------------------------------------|---------------------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/564,959 | <b>Applicant(s)</b><br>PATEL, PRAKASH |
|                              | <b>Examiner</b><br>PAUL V. WARD      | <b>Art Unit</b><br>1624               |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
  - 4a) Of the above claim(s) 15-19 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement (Form PTO/SB/08) \_\_\_\_\_  
Paper No(s)/Mail Date 7/37/06 1/18/06
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election of Group I in the reply filed on July 22, 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Applicant is entitled to have Group II rejoined under M.P.E.P. § 821.04, if the claims of Group I are ultimately found allowable.

Groups II-VI, claims 15-19, are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected subject matter, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement, and reserved the right to file a divisional application to the non-elected subject matter.

An action on the merits on claims 1-14 is contained herein.

***Specification***

***Abstract***

1. Applicant is reminded of the proper content of an Abstract of the Disclosure.

In chemical patent abstracts for compounds or compositions, the general nature of the compound or composition should be given as well as its use, e.g., "The compounds are of the class of alkyl benzene sulfonyl ureas, useful as oral anti-diabetics." Exemplification of a species could be illustrative of members of the class. For processes, the type reaction, reagents and process conditions should be stated, generally illustrated by a single example unless variations are necessary.

Complete revision of the content of the abstract is required on a separate sheet.

***Claim Rejections - 35 USC § 102***

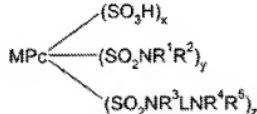
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Carr (U.S. Patent 2001/0011396).

Applicant teaches phthalocyanines compounds having a general formula I:



Formula (1)

wherein all the variables are as defined in the claim. Additionally, in claims 8-14, applicant teaches ink compositions comprising the compounds of formula I.

Carr discloses phthalocyanines compounds and compositions, which share the same formulaic compounds. (See formula 1 and Abstract). The compounds in the said reference has the same structure, which includes M as Ni and Cu, Pc as a phthalocyanine nucleus, as an alkylene group, R<sup>1</sup>-R<sup>3</sup> as a cyclic alkyl or H, R<sup>5</sup> as H or hydrocarbyl, or R<sup>4</sup> and R<sup>5</sup> together with the nitrogen atom is an aliphatic or aromatic, and falls within the range of Applicant's compounds. (See col. 1- col. 2). Additionally, in

columns 7-9, Carr teaches ink compositions comprising the compounds of formula I.

Since Carr teaches the exact compounds and compositions, Applicant's claims are anticipated, and thus, rejected under 35 U.S.C. 102(b).

3. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated Carr et al. (WO 98/49239).

Car discloses phthalocyanines compounds and compositions, which share the same formulaic compounds. (See Abstract and Formula I). The compounds in the said reference has the same structure, which includes M as Ni and Cu, Pc as a phthalocyanine nucleus, as an alkylene group, R<sup>1</sup>-R<sup>3</sup> as a cyclic alkyl or H, R<sup>5</sup> as H or hydrocarbyl, or R<sup>4</sup> and R<sup>5</sup> together with the nitrogen atom is an aliphatic or aromatic, and falls within the range of Applicant's compounds. (See pages 1-3 and Example 8). Additionally, on pages 4-9, Car teaches ink compositions comprising the compounds of formula I.

Since Car teaches the exact compounds and compositions, Applicant's claims are anticipated, and thus, rejected under 35 U.S.C. 102(b).

4. Claims 1-5 and 7-14 are rejected under 35 U.S.C. 102(b) as being anticipated Patel et al. (WO 01/66647).

Patel discloses phthalocyanines compounds and compositions, which share the same formulaic compounds. (See Abstract and Formula I). The compounds in the said reference has the same structure, which includes M as Ni and Cu, Pc as a phthalocyanine nucleus, as an alkylene group, R<sup>1</sup>-R<sup>3</sup> as a cyclic alkyl or H, R<sup>5</sup> as H or hydrocarbyl, or R<sup>4</sup> and R<sup>5</sup> together with the nitrogen atom is an aliphatic or aromatic,

and falls within the range of Applicant's compounds. (See pages 1-4). Additionally, on pages 4-5, Patel teaches ink compositions comprising the compounds of formula I.

Since Patel teaches the exact compounds and compositions, Applicant's claims are anticipated, and thus, rejected under 35 U.S.C. 102(b).

5. Claims 1-5 and 7-14 are rejected under 35 U.S.C. 102(b) as being anticipated Patel et al. (WO 01/66648).

Patel discloses phthalocyanines compounds and compositions, which share the same formulaic compounds. (See Abstract and Formula I). The compounds in the said reference has the same structure, which includes M as Ni and Cu, Pc as a phthalocyanine nucleus, as an alkylene group, R<sup>1</sup>-R<sup>3</sup> as a cyclic alkyl or H, R<sup>5</sup> as H or hydrocarbyl, or R<sup>4</sup> and R<sup>5</sup> together with the nitrogen atom is an aliphatic or aromatic, and falls within the range of Applicant's compounds. (See pages 1-5). Additionally, on pages 4-6, Patel teaches ink compositions comprising the compounds of formula I.

Since Patel teaches the exact compounds and compositions, Applicant's claims are anticipated, and thus, rejected under 35 U.S.C. 102(b).

6. Claims 1-3 and 7-14 are rejected under 35 U.S.C. 102(b) as being anticipated Patel et al. (WO 03/068866).

Patel discloses phthalocyanines compounds and compositions, which share the same formulaic compounds. (See Abstract and Formula I). The compounds in the said reference has the same structure, which includes M as Ni and Cu, Pc as a phthalocyanine nucleus, as an alkylene group, R<sup>1</sup>-R<sup>3</sup> as a cyclic alkyl or H, R<sup>5</sup> as H or hydrocarbyl, or R<sup>4</sup> and R<sup>5</sup> together with the nitrogen atom is an aliphatic or aromatic,

and falls within the range of Applicant's compounds. (See pages 1-4 and Examples 2, 6, and 7). Additionally, on pages 3-6, Patel teaches ink compositions comprising the compounds of formula I.

Since Patel teaches the exact compounds and compositions, Applicant's claims are anticipated, and thus, rejected under 35 U.S.C. 102(b).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (U.S. Patent 2001/0011396).

Claim 1 is drawn to an optical recording material with a phthalocyanine core in which the moieties on the core contain sulfonate moieties and the instantly claimed moieties are substituted by variables, which are represented by H, alkyl, alkylene, alkyenylene, alkynylene substituents of various carbon lengths which may be further interrupted by O, NH or S, and a metal component represented by the variable M which is represented by a divalent metal group. Claims 2-6 limit the metal moiety of the compound and provides for specific R<sub>1</sub>-R<sub>4</sub> moieties. Claims 8-14 are drawn to optical compositions comprised of the material of claims 1-7.

**DETERMINING THE SCOPE AND CONTENT OF THE PRIOR ART**

Carr teaches a compound with a phthalocyanine core which corresponds in structure with the instantly claimed compound of formula I. The moieties of said prior art core are substituted by variables represented by R<sub>1</sub>-R<sub>4</sub> which are independently represented by H, alkyl alkyl, alkylene, alkyenylene, alkynylene substituents of various carbon lengths which may be further interrupted by O, NH or S, and a metal component represented by the variable M which is represented by a divalent metal group. The reference further discloses the material comprises a phthalocyanine nucleus compound of formula I is useful in their use in ink jet printers.

**ASCERTAINING THE DIFFERENCES BETWEEN THE PRIOR ART AND THE CLAIMS AT ISSUE**

The instant claims differ from the reference by reciting different carbon ranges for the overlapping moieties attached to the core of the compound through the

phthalocyanine core and the prior art compound does not require a sulfonate moiety to be attached to the core but provides sufficient support for such a substitution on the core.

**CONSIDERING OBJECTIVE EVIDENCE PRESENT REGARDING OBVIOUSNESS**

The prior art Japanese patent clearly discloses the class of compounds instantly claimed, which are phthalocyanine compounds, are recognized in the art by their correlative core and recognized suitability for use in ink jet printers containing said phthalocyanine compounds. These compounds are known to be included in ink jet printers and are known to be useful in high speed recording material such as recordable compact discs. The variable substitution to the core of the prior art's compound and the compound instantly claimed overlap so substantially that it would require little more than routine skill in the art to select moieties which would allow the skilled artisan to arrive at applicant's instantly claimed species.

**RESOLVING THE LEVEL OF SKILL IN THE ART**

It would have been obvious to one having ordinary skill in this art at the time the invention was made to substitute a phthalocyanine core with at least one sulfonate containing group and with the groups set forth in the prior art as applicant has done with the above cited reference before them. The prior art patent provides sufficient motivation to include the phthalocyanine compounds of the prior art and those rendered obvious in the instant application in a recording layer to prepare an optical recording material for high speed recording and to include said material in an ink jet printers.

Thus, Applicant's claims are obvious, and therefore, rejected under 35 U.S.C.

103.

8. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (WO 98/49239).

Claim 1 is drawn to an optical recording material with a phthalocyanine core in which the moieties on the core contain sulfonate moieties and the instantly claimed moieties are substituted by variables, which are represented by H, alkyl, alkylene, alkyenylene, alkynylene substituents of various carbon lengths which may be further interrupted by O, NH or S, and a metal component represented by the variable M which is represented by a divalent metal group. Claims 2-6 limit the metal moiety of the compound and provides for specific R<sub>1</sub>-R<sub>4</sub> moieties. Claims 8-14 are drawn to optical compositions comprised of the material of claims 1-7.

#### **DETERMINING THE SCOPE AND CONTENT OF THE PRIOR ART**

Carr teaches a compound with a phthalocyanine core which corresponds in structure with the instantly claimed compound of formula I. The moieties of said prior art core are substituted by variables represented by R<sub>1</sub>-R<sub>4</sub> which are independently represented by H, alkyl, alkylene, alkyenylene, alkynylene substituents of various carbon lengths which may be further interrupted by O, NH or S, and a metal component represented by the variable M which is represented by a divalent metal group. The reference further discloses the material comprises a phthalocyanine nucleus compound of formula I is useful in their use in ink jet printers.

#### **ASCERTAINING THE DIFFERENCES BETWEEN THE PRIOR ART AND THE CLAIMS AT ISSUE**

The instant claims differ from the reference by reciting different carbon ranges for the overlapping moieties attached to the core of the compound through the phthalocyanine core and the prior art compound does not require a sulfonate moiety to be attached to the core but provides sufficient support for such a substitution on the core.

**CONSIDERING OBJECTIVE EVIDENCE PRESENT REGARDING OBVIOUSNESS**

The prior art Japanese patent clearly discloses the class of compounds instantly claimed, which are phthalocyanine compounds, are recognized in the art by their correlative core and recognized suitability for use in ink jet printers containing said phthalocyanine compounds. These compounds are known to be included in ink jet printers and are known to be useful in high speed recording material such as recordable compact discs. The variable substitution to the core of the prior art's compound and the compound instantly claimed overlap so substantially that it would require little more than routine skill in the art to select moieties which would allow the skilled artisan to arrive at applicant's instantly claimed species.

**RESOLVING THE LEVEL OF SKILL IN THE ART**

It would have been obvious to one having ordinary skill in this art at the time the invention was made to substitute a phthalocyanine core with at least one sulfonate containing group and with the groups set forth in the prior art as applicant has done with the above cited reference before them. The prior art patent provides sufficient motivation to include the phthalocyanine compounds of the prior art and those rendered

obvious in the instant application in a recording layer to prepare an optical recording material for high speed recording and to include said material in an ink jet printers.

Thus, Applicant's claims are obvious, and therefore, rejected under 35 U.S.C. 103.

9. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel (WO 01/66647).

Claim 1 is drawn to an optical recording material with a phthalocyanine core in which the moieties on the core contain sulfonate moieties and the instantly claimed moieties are substituted by variables, which are represented by H, alkyl, alkylene, alkyenylene, alkynylene substituents of various carbon lengths which may be further interrupted by O, NH or S, and a metal component represented by the variable M which is represented by a divalent metal group. Claims 2-6 limit the metal moiety of the compound and provides for specific R<sub>1</sub>-R<sub>4</sub> moieties. Claims 8-14 are drawn to optical compositions comprised of the material of claims 1-7.

#### **DETERMINING THE SCOPE AND CONTENT OF THE PRIOR ART**

Patel teaches a compound with a phthalocyanine core which corresponds in structure with the instantly claimed compound of formula I. The moieties of said prior art core are substituted by variables represented by R<sub>1</sub>-R<sub>4</sub> which are independently represented by H, alkyl, alkylene, alkyenylene, alkynylene substituents of various carbon lengths which may be further interrupted by O, NH or S, and a metal component represented by the variable M which is represented by a divalent metal group. The

reference further discloses the material comprises a phthalocyanine nucleus compound of formula I is useful in their use in ink jet printers.

**ASCERTAINING THE DIFFERENCES BETWEEN THE PRIOR ART AND THE CLAIMS AT ISSUE**

The instant claims differ from the reference by reciting different carbon ranges for the overlapping moieties attached to the core of the compound through the phthalocyanine core and the prior art compound does not require a sulfonate moiety to be attached to the core but provides sufficient support for such a substitution on the core.

**CONSIDERING OBJECTIVE EVIDENCE PRESENT REGARDING OBVIOUSNESS**

The prior art Japanese patent clearly discloses the class of compounds instantly claimed, which are phthalocyanine compounds, are recognized in the art by their correlative core and recognized suitability for use in ink jet printers containing said phthalocyanine compounds. These compounds are known to be included in ink jet printers and are known to be useful in high speed recording material such as recordable compact discs. The variable substitution to the core of the prior art's compound and the compound instantly claimed overlap so substantially that it would require little more than routine skill in the art to select moieties which would allow the skilled artisan to arrive at applicant's instantly claimed species.

**RESOLVING THE LEVEL OF SKILL IN THE ART**

It would have been obvious to one having ordinary skill in this art at the time the invention was made to substitute a phthalocyanine core with at least one sulfonate containing group and with the groups set forth in the prior art as applicant has done with

the above cited reference before them. The prior art patent provides sufficient motivation to include the phthalocyanine compounds of the prior art and those rendered obvious in the instant application in a recording layer to prepare an optical recording material for high speed recording and to include said material in an ink jet printers.

Thus, Applicant's claims are obvious, and therefore, rejected under 35 U.S.C. 103.

10. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel (WO 01/66648).

Claim 1 is drawn to an optical recording material with a phthalocyanine core in which the moieties on the core contain sulfonate moieties and the instantly claimed moieties are substituted by variables, which are represented by H, alkyl, alkylene, alkyenylene, alkynylene substituents of various carbon lengths which may be further interrupted by O, NH or S, and a metal component represented by the variable M which is represented by a divalent metal group. Claims 2-6 limit the metal moiety of the compound and provides for specific R<sub>1</sub>-R<sub>4</sub> moieties. Claims 8-14 are drawn to optical compositions comprised of the material of claims 1-7.

#### DETERMINING THE SCOPE AND CONTENT OF THE PRIOR ART

Patel teaches a compound with a phthalocyanine core which corresponds in structure with the instantly claimed compound of formula I. The moieties of said prior art core are substituted by variables represented by R<sub>1</sub>-R<sub>4</sub> which are independently represented by H, alkyl, alkylene, alkyenylene, alkynylene substituents of various carbon lengths which may be further interrupted by O, NH or S, and a metal component

represented by the variable M which is represented by a divalent metal group. The reference further discloses the material comprises a phthalocyanine nucleus compound of formula I is useful in their use in ink jet printers.

**ASCERTAINING THE DIFFERENCES BETWEEN THE PRIOR ART AND THE CLAIMS AT ISSUE**

The instant claims differ from the reference by reciting different carbon ranges for the overlapping moieties attached to the core of the compound through the phthalocyanine core and the prior art compound does not require a sulfonate moiety to be attached to the core but provides sufficient support for such a substitution on the core.

**CONSIDERING OBJECTIVE EVIDENCE PRESENT REGARDING OBVIOUSNESS**

The prior art Japanese patent clearly discloses the class of compounds instantly claimed, which are phthalocyanine compounds, are recognized in the art by their correlative core and recognized suitability for use in ink jet printers containing said phthalocyanine compounds. These compounds are known to be included in ink jet printers and are known to be useful in high speed recording material such as recordable compact discs. The variable substitution to the core of the prior art's compound and the compound instantly claimed overlap so substantially that it would require little more than routine skill in the art to select moieties which would allow the skilled artisan to arrive at applicant's instantly claimed species.

**RESOLVING THE LEVEL OF SKILL IN THE ART**

It would have been obvious to one having ordinary skill in this art at the time the invention was made to substitute a phthalocyanine core with at least one sulfonate

containing group and with the groups set forth in the prior art as applicant has done with the above cited reference before them. The prior art patent provides sufficient motivation to include the phthalocyanine compounds of the prior art and those rendered obvious in the instant application in a recording layer to prepare an optical recording material for high speed recording and to include said material in an ink jet printers.

Thus, Applicant's claims are obvious, and therefore, rejected under 35 U.S.C. 103.

11. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel (WO 03/068866).

Claim 1 is drawn to an optical recording material with a phthalocyanine core in which the moieties on the core contain sulfonate moieties and the instantly claimed moieties are substituted by variables, which are represented by H, alkyl, alkylene, alkyenylene, alkynylene substituents of various carbon lengths which may be further interrupted by O, NH or S, and a metal component represented by the variable M which is represented by a divalent metal group. Claims 2-6 limit the metal moiety of the compound and provides for specific R<sub>1</sub>-R<sub>4</sub> moieties. Claims 8-14 are drawn to optical compositions comprised of the material of claims 1-7.

#### **DETERMINING THE SCOPE AND CONTENT OF THE PRIOR ART**

Patel teaches a compound with a phthalocyanine core which corresponds in structure with the instantly claimed compound of formula I. The moieties of said prior art core are substituted by variables represented by R<sub>1</sub>-R<sub>4</sub> which are independently represented by H, alkyl, alkylene, alkyenylene, alkynylene substituents of various

carbon lengths which may be further interrupted by O, NH or S, and a metal component represented by the variable M which is represented by a divalent metal group. The reference further discloses the material comprises a phthalocyanine nucleus compound of formula I is useful in their use in ink jet printers.

**ASCERTAINING THE DIFFERENCES BETWEEN THE PRIOR ART AND THE CLAIMS AT ISSUE**

The instant claims differ from the reference by reciting different carbon ranges for the overlapping moieties attached to the core of the compound through the phthalocyanine core and the prior art compound does not require a sulfonate moiety to be attached to the core but provides sufficient support for such a substitution on the core.

**CONSIDERING OBJECTIVE EVIDENCE PRESENT REGARDING OBVIOUSNESS**

The prior art Japanese patent clearly discloses the class of compounds instantly claimed, which are phthalocyanine compounds, are recognized in the art by their correlative core and recognized suitability for use in ink jet printers containing said phthalocyanine compounds. These compounds are known to be included in ink jet printers and are known to be useful in high speed recording material such as recordable compact discs. The variable substitution to the core of the prior art's compound and the compound instantly claimed overlap so substantially that it would require little more than routine skill in the art to select moieties which would allow the skilled artisan to arrive at applicant's instantly claimed species.

**RESOLVING THE LEVEL OF SKILL IN THE ART**

It would have been obvious to one having ordinary skill in this art at the time the invention was made to substitute a phthalocyanine core with at least one sulfonate containing group and with the groups set forth in the prior art as applicant has done with the above cited reference before them. The prior art patent provides sufficient motivation to include the phthalocyanine compounds of the prior art and those rendered obvious in the instant application in a recording layer to prepare an optical recording material for high speed recording and to include said material in an ink jet printers.

Thus, Applicant's claims are obvious, and therefore, rejected under 35 U.S.C. 103.

***Conclusion***

Claims 1-14 are pending. Claims 1-14 are rejected. No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL V WARD whose telephone number is 571-272-2909. The examiner can normally be reached on M-F 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/PAUL V WARD/  
Examiner, Art Unit 1624**

**/James O. Wilson/  
Supervisory Patent Examiner, Art Unit 1624**